

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL
INDUSTRY AVERAGE WHOLESALE
PRICE LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO
*State of Nevada v. American Home
Products Corp., et al.,*
Civil Action No. 02-12086-PBS

Judge Patti B. Saris

DEFENDANT SICOR INC.'S MOTION FOR SUMMARY JUDGMENT¹

Pursuant to Fed. R. Civ. P. 56, Defendant Sicor Inc.² respectfully moves this Court to grant summary judgment in its favor as to all claims. The grounds for this motion are set forth in Defendants' Joint Memorandum of Law in Support of their Motion for Summary Judgment, and the supporting documents submitted therewith, as well as (i) Defendant Sicor Inc.'s Memorandum in Support of its Motion for Summary Judgment, (ii) Defendant Sicor Inc.'s Concise Statement of Undisputed Material Facts in Support of Its Motion for Summary Judgment, and (iii) Declaration of Sekret T. Sneed in Support of Sicor Inc.'s Motion for Summary Judgment, which are submitted herewith.

¹ Sicor Inc. joins in the Defendants' Joint Motion for Summary Judgment, along with the Joint Memorandum and Concise Statement of Undisputed Facts. For issues specific to Sicor, Sicor also submits its own Motion, Memorandum and Concise Statement in support of Summary Judgment.

² The State names Sicor Inc., Genesia Inc. and Genesia Sicor Pharmaceuticals, Inc. (collectively, "Sicor Group") as defendants in the Amended Complaint. All three entities, however, are various versions of Sicor Inc. Genesia Inc. became Genesia Sicor Pharmaceuticals, Inc., which became Sicor Inc. in 2003. As a result, only Sicor Inc. is an active entity.

WHEREFORE, Defendant Sicor Inc. respectfully requests that the Court grant the motion for summary judgment.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1, Defendant Sicor Inc. believes that oral argument may assist the Court in resolving the issues presented in this motion and respectfully request that oral argument be heard.

Dated: February 8, 2007

SICOR INC.
By its attorneys,

/s/ Christopher E. Prince
Christopher E. Prince (Admitted *Pro Hac Vice*)
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-- and--

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Local Rule 7.1 (A)(2) Certification

Undersigned counsel for Sicor, Inc. hereby certifies that Demian L. Pay, Esq. has left a message with counsel for Plaintiff in an attempt to resolve the issues raised by this motion.

/s/ Pamela Zorn Adams

CERTIFICATE OF SERVICE

I hereby certify that I, Pamela Zorn Adams, an attorney, caused a true and correct copy of the foregoing DEFENDANT SICOR INC.'S MOTION FOR SUMMARY JUDGMENT to be served on all counsel of record electronically via Lexis/Nexis Technologies on February 8, 2007, pursuant to Section D of Case Management Order No. 2.

/s/ Pamela Zorn Adams

Pamela Zorn Adams